



501.30598CC3

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): MORIOKA, et al

Serial No.: 09/805,188

Filed: March 14, 2001

For: METHOD AND APPARATUS FOR ANALYZING THE STATE
OF GENERATION OF FOREIGN PARTICLES IN
SEMICONDUCTOR FABRICATION PROCESS

Group: 2877

Examiner: T. Nguyen

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RESPONSE

Commissioner for Patents
Washington, D.C. 20231

November 26, 2002

Sir:

The following remarks are respectfully submitted in connection with the above-identified application in response to the Office Action dated August 26, 2002.

The requirement for restriction to one of the inventions identified as invention I - claims 1-3, 10-16, 20-25, classified in class 356, subclass 237.5; invention II - claims 4-7, 17-19, classified in class 324, subclass 758; and invention III - claims 8-9, classified in class 356, subclass 237.5; is traversed as being improper, and reconsideration and withdrawal of the restriction requirement are respectfully requested.

The Examiner notes that claim 26 links inventions groups I and II, while claim 27 links invention groups I and III. Thus, applicants submit that claims 26 and 27, depending upon the election, must be examined with the elected group.

In setting forth the restriction requirement, the Examiner sets forth reasons for distinctness and concludes "Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their


recognized divergent subject matter, restriction for examination purposes as indicated is improper." (emphasis added) Applicants submit that the Examiner has indicated that inventions I and III are classified in the same class and subclass of class 356, subclass 237.5 and therefore, these inventions have not acquired a separate status in the art, but rather the same status in the art and do not have divergent subject matter, but rather the same subject matter. Accordingly, applicants submit that the Examiner has failed to properly show distinctness and separate status in the art, which are requirements for restriction purposes. Accordingly, applicants submit that the restriction requirement should be withdrawn.

In order to provide a complete response to the restriction requirement, applicants provisionally elect, with traverse, invention I including claims 1-3, 10-16, 20-25 and submit that linking claims 26 and 27 should also be considered at this time as well as claims 8 and 9 of invention III.

In view of the above remarks, favorable action with respect to all claims present in this application are respectfully requested.

To the extent necessary, applicant's petition for an extension of time under 37 CFR 1.136. Please charge any shortage in the fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 01-2135 (501.30598CC3) and please credit any excess fees to such deposit account.

Respectfully submitted,



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